

## REMARKS

Claims 1, 3, 10, 12, 13, 15-24, 27, 28, 30, 31, 34-37, 40, 41, 43, and 45-49 are pending in the application, claims 8, 9, 11, 26, and 32 being canceled herein. Claim 2, 4-7, 14, 25, 29, 33, 38, 39, 42 and 44 were canceled previously. Claims 1, 15, 22, and 24 are the only independent claims.

### *Drawings*

The drawings stand objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) because they do not include reference numerals 148 and 150 mentioned in the description.

In response to the objection to the drawings, applicant encloses herewith a replacement sheet for Figures 8 and 9. On the replacement sheet, Figures 8 and 9 have been revised to include the missing reference numerals. No other changes have been made.

### *Claim Objections*

Claims 1, 15, and 22 stand objected to because the Examiner believes that the phrase “the insertion shaft is formed along an outer surface” should read “the insertion shaft is formed having an outer surface.”

In response to the objection to claims 1, 15, and 22, those claims have been amended to change the clause “said insertion shaft being formed along an outer surface with at least one longitudinally extending channel” to the clause “said insertion shaft being formed with an outer surface having at least one longitudinally extending channel.” It is understood that the channel extends longitudinally along the outer surface of the insertion member.

*Claims Rejections - 35 U.S.C. § 112*

Claim 28 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner points to the term "said sheath" as lacking antecedent basis.

Claim 28 depends from an amended claim 24 in which the sheath is introduced as a positively recited element, thereby providing antecedent basis for the term "said sheath."

*Claims Rejections - 35 U.S.C. §§ 102 and 103*

Claims 1-5, 12-16, 20, 21, 23-25, 33 and 37-41 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,944,654 to Crawford.

Claims 1, 3 and 47 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,955,645 to Zeitels.

Claims 17-19 and 34-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,944,654 to Crawford in view of U.S. Patent No. 6,585,642 to Christopher.

The Examiner has objected to claims 9, 11, and 31, 32 as being dependent on a rejected base claim but indicates that these claims would be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claim.

**Claim 1** Applicant has amended claim 1 herein to incorporate the subject matter of dependent claims 8 and 9. Claim 1 is now equivalent to claim 9 rewritten in independent form to include the limitations of the base claim (claim 1) and any

intervening claim (claim 8). Pursuant to the Examiner's observation, claim 1 is patentable over the prior art.

**Claim 15** Claim 15 has been amended to incorporate the limitations of claims 8 and 9. Claim 15 is deemed to be patentable for the same reasons as claim 1.

**Claims 22 and 24** Claims 22 and 24 have been amended to delete the specific description of the closure member as a strip engageable with slot edges and to insert a description of a particular kind of sheath. According to the amendments to claims 22 and 24, the closure member is a web member provided with an embedded tensile element for enabling a severing of the web member in preparation for removal of the web member from the endoscope insertion member. The web member is a rectangular sheet provided in a region along a longitudinal edge with a layer of adhesive material to enable a fastening of the sheet to the endoscope insertion member upon a wrapping of the sheet completely about the endoscope insertion member.

The references of record say nothing about such an endoscope-channel closure member.

Applicant's specification provides antecedent description for the language inserted herein into claims 22 and 24, with respect to drawing Figures 5 and 6.

Applicant remarks that the sheath or closure inserted into claims 22 and 24 is included in the claimed subject matter of applicant's U.S. Patent No. 6,929,601, filed April 16, 2003 as Patent Application No. 10/414,708. That prior patent is not prior art to the present application. However, in view of the amendments to claims 22 and 24 herein, the Examiner may wish to consider the prior patent in the context of double patenting considerations.

**Information Disclosure Statement** Pursuant to the Duty to Disclose under 37 C.F.R. §1.56(a), applicant encloses herewith a copy of Form PTO-1449 listing patent documents relevant to the background of the invention described and claimed in the above-identified application. Also enclosed are copies of the listed documents.

The listed references were cited during the prosecution of Patent Application No. 10/414,708 and are listed on the face of U.S. Patent No. 6,929,601.

A check enclosed herewith includes the \$180 fee for late submission of an Information Disclosure Statement (37 C.F.R. §§ 1.17(p) and 1.97(c)).

***Conclusion***

For the foregoing reasons, independent claims 1, 15, 22, and 24, as well as the claims dependent therefrom, are deemed to be in condition for allowance. An early Notice to that effect is earnestly solicited.

Should the Examiner believe that direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,

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